

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CHRISTOPHER CONDON,  
Y42786,**

**Plaintiff,**

**v.**

**JUSTIN JURKOWSKI, *et al.*,**

**Defendants.**

**Case No. 23-cv-02461-SPM**

**MEMORANDUM AND ORDER**

**MCGLYNN, District Judge:**

This matter is before the Court for case management purposes. Defendant Daniel Porter has yet to be served with the Complaint. Because Plaintiff Condon is proceeding in forma pauperis, pursuant to Federal Rule of Civil Procedure 4(c)(3), the Court must order a United States marshal to conduct service on his behalf. The marshal is then required to make reasonable efforts to personally serve the summons and the complaint on the defendant.

Here, after unsuccessfully attempting to serve Defendant Porter by mailing a request to waive service of summons, the Clerk of Court issued a formal service of the summons and the Complaint on August 27, 2024. (Doc. 30, 36, 38). The summons was returned unexecuted with a note from the marshal explaining, “Bad Address. Verified through landlord that Daniel Porter no longer lives at address.” (Doc. 39).

The Court does not find that the marshal’s attempts meet the “reasonable efforts” requirement as prescribed by the Seventh Circuit. *See Williams v. Werlinger*, 795 F. 3d 759 (7th 2015); *Geder v. Godinez*, 221 F. 3d 1338 (Table), 2000 WL 874804, at \*3 (7th Cir. 2000); *Graham v. Satkoski*, 51 F. 3d 710 (7th Cir. 1995); *Sellers v. United States*, 902 F. 2d 589 (7th Cir. 1990).

Based on the notes, the marshal attempted service by visiting a single residential address once. It is not clear from the records whether the marshal made attempts, if any, to obtain a forwarding address or tried other means to contact a neighbor or someone employed by the Illinois Department of Corrections who would know Defendant Porter's current whereabouts. It is hard to believe that no one at the Illinois Department of Corrections would be available to speak with the marshal regarding Defendant Porter's current whereabouts. There is also no notation of using any electronic databases routinely used in locating individuals for service, including a basic public internet search. A simple Google search shows that a Daniel Porter is still employed by the Illinois Department of Corrections and last received a paycheck on September 30, 2024.<sup>1</sup>

Thus, the Clerk of Court shall **REISSUE** the summons for Defendant Porter, and the United States Marshals Service shall make reasonable efforts to locate and serve the summons and Plaintiff's Complaint on this defendant. If unsuccessful, the Marshals Service shall include in the "Remarks" section of the Form USM-285 a description of the steps that it took to attempt to effect service of process. The Clerk **SHALL** provide a copy of this Order along with the summons to the United States Marshals Service.

**IT IS SO ORDERED.**

**DATED: October 2, 2024**

*s/Stephen P. McGlynn*  
**STEPHEN P. MCGLYNN**  
**United States District Judge**

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<sup>1</sup> See [https://illinoiscomptroller.gov/financial-reports-data/data-sets-portals/salary-database/employee-history?Issue\\_Year=2024&EmpId=cSC1F3UKQS%2B6PBN%2FdsRsLA%3D%3D&Agency=DEPARTMENT%2520OF%2520CORRECTIONS&Last\\_Name=PORTER&First\\_Name=DANIEL&Position=](https://illinoiscomptroller.gov/financial-reports-data/data-sets-portals/salary-database/employee-history?Issue_Year=2024&EmpId=cSC1F3UKQS%2B6PBN%2FdsRsLA%3D%3D&Agency=DEPARTMENT%2520OF%2520CORRECTIONS&Last_Name=PORTER&First_Name=DANIEL&Position=) (last visited October 2, 2024).